



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric R. Cerny, et al.

§

§ Group Art Unit: **1638**

§

§ Examiner: **David H. Kruse**

§

§ Atty. Dkt. No.: **11899.0239.PCUS00**

§

Confirmation No.: **8966**

§

For: **COTTON EVENT MON 88913 AND
COMPOSITIONS AND METHODS FOR
DETECTION THEREOF**

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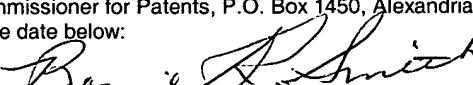
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DECLARATION OF BIOLOGICAL DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

10/24/2006 
Date Signature

Sir:

I, Grace L. Bonner, hereby declare that I am an attorney of record in the United States Patent and Trademark Office for the above-referenced application, and am authorized to sign for the Assignee of interest, Monsanto Technology LLC, in this matter. I have reviewed the Biological Culture Deposit Receipt on which I have based the following statements.

1. The following material referred to in the specification of the above-referenced application has been deposited with the American Type Culture Collection (ATCC).

<u>TAXONOMIC DESCRIPTION</u>	<u>IDENTIFICATION REFERENCE</u>	<u>DEPOSIT NUMBER</u>
<i>Gossypium birsutum</i> (cotton)	Event MON88913 (seeds)	PTA-4854

2. The name and address of the depository is:

American Type Culture Collection (ATCC)
10801 University Blvd.
Manassas, VA 20110-2209

This depository is an official depository in accordance with the Budapest Treaty for the abovementioned culture.

3. With respect to the permanence of the culture deposit, the above depository affords permanence of the deposit for at least 30 years, or at least 5 years after the most recent storage request, whichever period is longer. In the event that the deposited seeds become nonviable or are inadvertently destroyed, the Assignee of interest will replace such seeds for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample, or for the life of any patent issued on the above-mentioned application, plus six years to cover the statute of limitations, whichever period is longest.

4. With respect to availability of the seeds, the deposit has been made under conditions of assurance that during the pendency of this application, access to the deposit will be afforded to the Commissioner upon request. Upon the granting of a patent on this application, all restrictions on the public availability of the deposited material will be irrevocably removed.

5. All statements made herein are believed to be true and correct. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Grace L. Bonner
Reg. No. 32,963
Monsanto Technology LLC

Date: October 23, 2006

Monsanto Technology LLC
800 North Lindbergh Blvd.
St. Louis, MO 63167

ATCC

BEST AVAILABLE COPY

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE



INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Monsanto Co. BBIL
Attn: E. Clifford Lawson ✓
700 Chesterfield Pkwy N
Chesterfield, MO 63198

Deposited on Behalf of: Monsanto Technology LLC

Identification Reference by Depositor:

Patent Deposit Designation

Gossypium hirsutum (Cotton): MON88913

PTA-4854

The seeds were accompanied by: a scientific description a proposed taxonomic description indicated above. The seeds were received December 11, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

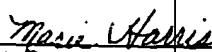
If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested December 20, 2002. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:



Marie Harris, Patent Specialist, ATCC Patent Depository

Date: January 28, 2003

cc: Grace Bonner
(Ref: Docket or Case No: 38-21 (53182))

272

40-10-57 a.m. 06-23-2005

636+737+5335